

U.S. Serial No. 10/010,583
Atty Docket: 24545B

REMARKS

Status of Claims

Claims 1-17 are pending in the present application. Claims 1-10 stand rejected and claims 11-17 are withdrawn from consideration. Favorable reconsideration is respectfully requested in light of the following remarks.

Affirmation of Election

Applicants hereby affirm the election of Group I, claims 1-10 for prosecution.

Response to Preliminary Amendment

The Examiner states the on page 1 of the preliminary amendment filed 11/13/01, the request to cancel claims 18-27 has not been entered because claims 18-27 are not currently pending in the case.

Applicants submit that the request to cancel claims 18-27 was in error and that claims 18-27 are not currently pending in the case.

Specification

The Examiner states that the specification stands objected to because on the first line of page one - - now patent no. 6,358,317 issued March 19, 2002 - - should be inserted in place of "(and still pending)".

Applicants have corrected the abstract to comply with the Examiner's suggestion.

Claim Objections

The Examiner states that claim 9 is objected to because of the following informalities: in line 2, "of said" should be - - said - -.

Applicants thank the Examiner for pointing out this typographical error. Applicants have amended claim 9 to comply with the Examiner's suggestion.

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Rejection Under 35 U.S.C. 102(b) – Morrill and Kuehn

Claims 1-8 stand rejected under 35 U.S.C. 102(b) as being anticipated by Morrill (2,771,658).

Claims 1, 2 and 5-10 stand rejected under 35 U.S.C. 102(b) as being anticipated by Kuehn (Re. 27, 445).

Applicant has amended claim 1 to include the limitation of a “a gathering shoe positioned below said roll for gathering said fan of fibers into a strand.” Applicants respectfully submit that no new matter has been added and support for the amendment can be found at page 11, lines 12-15. This limitation distinguishes Applicants’ claimed invention from Morrill as well as Kuehn. Nowhere does Morrill nor Kuehn teach or suggest a gathering shoe for gather a fan of fibers into a strand. Morrill specifically teaches an apparatus for spreading flexible sheet material or fabric and Kuehn teaches a calendar roll.

As such, Applicant respectfully submit that neither Morrill nor Kuehn anticipate or render obvious the present invention and Applicant respectfully requests that the rejection of claims 1-8 in view of Morrill and the rejection of claims 1, 2 and 5-10 be withdrawn.

Rejection Under 35 U.S.C. 103(a) – Kuehn in view of Morrill

Claims 3 and 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kuehn in view of Morrill.

As stated above, nowhere does Morrill nor Kuehn teach or suggest Applicants’ claimed invention, as amended. In view of the above arguments, Applicants are not arguing the merits of claims 3 and 4 herein.

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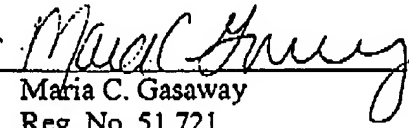
CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 1-10 are allowable. The Examiner is invited to telephone the Applicants' undersigned agent at (740) 321-7213 if any unresolved matters remain.

If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicants' agent at the number listed below.

Applicant authorizes any fees required pertaining to this response be charged to Deposit Account No. 50-0568.

Respectfully submitted,
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